

FINAL WRITTEN DECISION

The district's decision shall be in writing and sent to the complainant. (5CCR 4631).

The district's decision shall be written in English and in the language of the complainant whenever feasible or as required by law.

THE DECISION SHALL INCLUDE:

1. The findings of fact based on the evidence gathered.
2. The conclusion (s) of law.
3. Disposition of the complaint.
4. Rationale for such disposition.
5. Corrective actions, if warranted.
6. Notice of the complainant's right to appeal the district's decision within 15 days to the CDE and procedures to be followed for initiating such an appeal. When appealing to the California Department of Education the complaint must specify the reason (s) for the District's decision and must include a copy of the locally filed complaint an the district's decision.
7. For discrimination complaints, notice that the complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies.

CIVIL LAW REMEDIES

Nothing in this policy precludes a complainant from pursuing available civil law remedies outside of the district's complaint procedures. Such remedies may include mediation centers, public private interest attorneys, injunctions, restraining orders, etc. For discrimination complaints, however, a complainant must wait for 60 days has elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the district has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint. For assistance you may contact:

Legal Aid Society Fresno County Bar Association
Community Mediation Center

REFERRING COMPLAINTS TO OTHER APPROPRIATE STATE OR FEDERAL AGENCIES

State Department of Education (Child Development Division), (Child Nutrition Division), (Special Education), and (Migrant Education)

ORANGE CENTER SCHOOL DISTRICT

UNIFORM COMPLAINT PROCEDURES

Orange Center School District
3530 South Cherry
Fresno, CA 93706
(559) 237-0437

For More Information Contact:

Terry M. Hirschfield,
District Superintendent
Compliance Officer

● Tel: 559-237-0437

Uniform Complaint Procedures

The Orange Center Board of Education is responsible for ensuring that it complies with applicable state and federal laws and regulations governing educational programs. The district shall follow uniform complaint procedures when addressing complaints alleging:

Unlawful discrimination based on discrimination regarding actual or perceived sex, sexual orientation, gender, ethnic group identification, race ancestry, national origin, religion, color, mental or physical disability, or age or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in any program or activity that receive benefits from state financial assistance. The district shall also follow uniform complaint procedures when addressing complaints alleging failure to comply with consolidated categorical programs, migrant education, child care and development programs, child nutrition programs and special education programs.

The Board acknowledges and respects students, parents, community members, and employee rights to privacy. Complaints shall be investigated in a manner that protects the confidentiality of the parties and the facts.

The Board encourages the early informal resolution of complaints at the site level whenever possible.

The compliance officer for the district is the Superintendent. He/she shall ensure that mediation results are consistent with state and federal laws and regulations.

COMPLIANCE OFFICER

Terry Hirschfield, the Superintendent, has been designated by the Board as the compliance officer to receive and investigate complaints and ensure district compliance with the law. Mrs. Hirschfield can be reached at Orange Center School District, 3530 So. Cherry Ave., Fresno CA 93706, 559-237-0437.

NOTIFICATIONS

The Superintendent shall meet the notification requirements of 5 CCR 4622, including the annual dissemination of district complaint procedures and information about available appeals, civil law remedies and conditions under which a complaint may be taken directly to the California Department of Education. The Superintendent shall ensure that complainants understand that they may pursue other remedies including action before the civil courts or other public agencies.

Parents will receive an annual notification by either information folder, sent home with their child, direct mailing or contained within the Parent and Student Handbook.

Students will receive their annual notifications by either information folder, direct distribution or contained within the Parent and Student Handbook.

Employees will receive their annual notification by direct distribution or placed in their mailbox.

School Site Council will discuss UCP annually, as an agenda item.

PROCEDURES

The following procedures shall be used to address all complaints which allege the district has violated federal and/or state laws or regulations governing educational progress. The Compliance Officer shall maintain a record of each complaint and subsequent related actions as required for compliance with 5CCR 4632.

FILING OF A COMPLAINT

Step 1: Filing of a Complaint

Any individual, public agency or organization may file a written complaint of alleged non-compliance by the district.

Complaints may be filed by a person who alleges that he/she personally suffered unlawful discrimination or believes that another individual or group of individuals has been subjected to unlawful discrimination. The complaint must be initiated no later than six months from the date when the alleged discrimination occurred or when the complainant first obtained knowledge of the facts of the alleged discrimination. (5CCR 4630).

The complaint shall be presented to the complaint officer. A log will be kept of complaints received. These will be coded and dated.

If the complainant is unable to put a complaint in writing due to such conditions as illiteracy or other disabilities, district staff will assist him/her in filing the complaint.

MEDIATION

Step 2: Mediation

Within three days of receiving the complaint, the Compliance Officer may informally discuss with complainant the possibility of using mediation. If agreed to by both parties the officer shall make arrangements for mediation.

All parties will agree to make related confidential information available to the mediator before initiating the process.

If mediation fails to resolve the problem, the Compliance Officer shall proceed with his/her investigation.

The use of mediation shall not extend the district's timeline for investigating and resolving the complaint unless complainant agrees in writing. (5CCR 4631)

INVESTIGATION OF COMPLAINT

Step 3:

The Compliance Officer shall hold an investigative meeting within five days of receiving the complainant or an unsuccessful attempt to mediate the complaint.

The complainant and or his/her representative and the district's representatives shall also have an opportunity to present information relevant to the complainant parties to the dispute may discuss the complaint and question each other's witnesses. (5 CCR 4631)

RESPONSE

Step 4:

Within 60 days of receiving the complaint the Compliance Officer shall prepare and send to the complainant a written report of the district's investigation and decision as described in Step #5. (5CCR 4631).

The board may consider the matter at its next regular Board meeting or a special Board meeting in order to meet the 60 day time limit. The Board may decide not to hear the complaint, in which case the Compliance Officer's decision is final. If the Board hears the complaint, the officer shall send their decision to the complainant within 60 days of the district receiving the complaint or a time specified within a written agreement.